

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Ronald Davidson.

CV-99-2596 (CPS)

Petitioner,  
- against -

MEMORANDUM  
AND ORDER

Floyd Bennett, Superintendent, Elmira  
Correctional Facility.

Respondant.

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SIFTON, Senior Judge.

On April 26, petitioner Ronald Davidson filed a motion for relief pursuant to Federal Rule of Civil Procedure 60(b)(6) to vacate a previous decision of the Court of Appeals denying petitioner leave to file a successive petition for a writ of *habeas corpus*. For the following reasons, this petition is transferred to the Second Circuit.

### **Discussion**

In 1976, petitioner was convicted of Murder in the Second Degree and related charges. Between 1981 and 1991, petitioner filed two *habeas corpus* petitions which were denied by the district court in decisions affirmed by the Second Circuit Court of Appeals. In 1998, petitioner's motion before the Second Circuit for permission to file a third petition was denied as was his request to transfer the case to district court.

In February 1999, petitioner filed a fourth *habeas* petition before this Court. In July, 1999, the petition was transferred

by this Court to the Second Circuit pursuant to 28 U.S.C. § 1631. In October, 1999, the Second Circuit denied petitioners motion to file a successive petition in district court on the grounds that the petitioner had presented the same claims which that Court had previously rejected. Petitioner now moves for reconsideration of the Court of Appeals' 1999 decision. Since the Court of Appeals heard and denied petitioner's motion for leave to file a successive petition, the current request for reconsideration is respectfully transferred to that court.

#### **CONCLUSION**

The clerk is directed to furnish a copy of this opinion to all parties.

SO ORDERED.

Dated : Brooklyn, New York  
November 6, 2006

By: /s/ Charles P. Sifton (electronically signed)

United States District Judge